

the combined containers form a single rigid entity". Claim 2 adds duplication of the said attachable container and means for securing, and should be considered duplication of existing matter and procedure of claim 1, but not new matter. Claim 2 is primarily relied upon to narrow the attached location of the attachable containers to being on top of the first said attachable container, as well as their structural configuration relative to each other as being stacked (or piled).

Even if claim 2 were considered canceled, the phrase "at least one" in reference to the attachable container of claim 1, clearly claims one as well as two attachable containers, as the amended fig 1 illustrates, or three or a plurality of attachable containers. Claim 1 then can by itself support the claim language of claim 2 when claim 1 includes more than one attachable container to be attached. Applicant relies on claim 1 language to support the Fig 1 amendment and two attachable containers.

1. A modular wheeled container system that is tilted from the free standing position for rolling comprising:

- a) a wheeled container having a means for rolling
- b) at least one attachable container, and
- c) a means for securing adjoining said wheeled container to said attachable container.

2. The system of claim 1 further including a plurality of attachable containers stacked and secured on top of said attachable container.

Applicant respectfully requests clarification on following if the amendment of Fig 1 is still not allowed:

a) why the original claim language does not reduce the art to practice for more than one attachable container? The feature of the invention of the rigid entity is disclosed and the claims including reference to more than one attachable container should be treated as reduced to practice as well as duplication of the invention or as originally claimed by the limitation "at least one attachable container" as it would be impossible to show every different configuration of attachable container and hitched container. Why would four attachable containers not be objected to under 37 CFR 183(a) if not shown, or five, or ten attachable containers? How can every possible configuration of recycle bin and refuse container be shown? Why is the invention of the rigid entity not shown and complete in the original Fig.1?

b) a description of the elected subject matter and it's associated issues

c) a description of the non-elected subject matter and it's associated issues

d) a description of the new matter and how and why it is considered new matter

e) how and why the provisional patent figure sent with the RCE is not considered relevant as the art reduced to practice

f) and how and why the new matter is not claimed by the claim 1 language "at least one attachable container" and how the language does not include two, or a plurality of attachable containers

g) why would someone, skilled in the art, after being shown the original Fig 1 and then told at least one attachable container, as well as being on top in claim 2, not be able to make or use the invention? *112, 1st rejection of claims 1+12*

h) under 35 U.S.C. 112 applicant has shown by the attached provisional patent drawing and the claim of "at least one attachable container" that at the time the application was filed, had possession of the claimed invention of two attachable containers. How do these two items not prove this? *nm.*

Under 35 U.S.C. 112 Specification, the second paragraph states "the specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention. Applicant's specification concludes with claim 1 "at least one attachable container", claim 2 "a plurality of attachable containers stacked and secured on top of said attachable container", and claim 11 "at least one attachable container, and a means for securing adjoining said wheeled container to said attachable container whereby the combined containers form a single rigid entity". These claims are the conclusion of the specification and with the attached drawing of the provisional patent and the original Fig 1 disclose the invention to enable someone skilled in the art to make and use the same. Under U.S.C. 113 are "The applicant shall furnish a drawing where necessary for the understanding of the subject matter" and in this case not even original Fig. 1 or the provisional patent drawing or the amended Fig 1 drawings are necessary and the ammended Fig 1 drawing does not in any way add new matter that was not part of the original disclosure. What is the new matter that would add benefit to this invention that applicant has not already disclosed? Why are the drawings even necessary? *112, 2nd issue* *new matter*

With regards to MPEP 806.04(f). "Claims restricted to different species must be mutually exclusive. The general test as to when claims are restricted, respectively, to different species is the fact that when one claim recites limitations which under the disclosure are found in a first species but not in a second, while a second claim recites limitations disclosed only for the second species and not the first. This is frequently expressed by saying that claims to be restricted to different species must recite the mutually exclusive characteristics of such species". In this patent "at least one attachable container" includes "a plurality of attachable containers" and therefore claims 1 and 2 are not mutually exclusive and cannot be restricted to different species. *restriction issue*

With regards to MPEP 806.04(h) the species must be patentably distinct from each other. Restriction should not be required if the species claimed are considered clearly unpatentable over each other. The forming of a rigid entity is the issue pertaining to the elected species. Suppose a configuration of a wheeled container having three attachable containers as claimed in claim 1 ("at least one attachable container", but in this instance three attachable containers). Such a configuration would be identical to the configuration described or claimed by claim 2 where in this instant case a plurality of two attachable containers is selected. Both configurations would have a wheeled container with three attachable containers. Both claim 1 and 2 in this instance would be clearly unpatentable over each other.

With regards to MPEP 806.04(e) claim 1 and 2 have a commonality of operation, function and effect in that they both form the rigid entity and are both secured in the same manner.

With regards to MPEP 806.04(b) for "at least one attached container" and "a plurality of attached containers" (secured to said wheeled container) are not independent and in order to sustain a restriction requirement, distinction must be shown. Distinction is proven if it can be shown that the intermediate product is useful other than to make the final product. The wheeled container with at least one attached container secured at their adjoining interface produces the final product of a rigid entity that can be tilted for rolling. Similarly, a wheeled container with a plurality of containers secured at their adjoining interface produces the final product of a rigid entity that can be tilted for rolling. The forming of the rigid entity by securing adjoining containers is the object, function, and final product of the invention. The examiner has not given an example of an alternate use to prove distinctness therefore the restriction of claim 2 cannot be sustained if there is no independent species.

end restriction argument

The examiner has stated that *Claim 1 now requires a stack of three containers wherein the bottom container is a wheeled container, this was never claimed*. Claim 1 originally states

- a) a wheeled container having a means for rolling
- b) at least one attachable container,

The applicant again asks why at least one attachable container does not include two attachable containers?

N.M issue

restriction

The examiner then states *claim 1 now claims something different than the original claims and not covered by any of the original drawings and seems properly restrictable by original presentation as being directed to another specie, then claim 1 should not be examined in this RCE*.

Claim 1 is a functional recitation claiming the securing of adjoining containers to form a rigid entity which is illustrated by Fig 1 and the amended Fig 1. This functional recitation determines the specie. The structural components of 1, 2, 3, 4 or more attachable containers are not what determines the specie. The examiner has stated that it *seems properly restrictable by original presentation* but does not refer to any rules or laws, nor does the examiner respond to the rules of MPEP 806.4 (f), (h), (e) that applicant cites that determine whether the restriction to the election is proper as submitted in applicants Dec. 12, 2002 fax.

The examiner also does not respond to questions a) to e) on page 2 of the Nov. 23, 2002 fax or state the rules that would make a provisional patent unreliable for art or reduction to practice.

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The wheeled container with two attachable containers as shown in the amended Fig 1 is significant in obviating the invention over the prior art of Evans by demonstrating the novelty of "securing adjoining containers" unlike Evans' binding containers onto a cart. Applicant's claim is the functional claim of forming a rigid entity by means of securing between adjoining containers which requires a minimum of one wheeled container and at least one attachable container.

For the above reasons as well as those the Nov. 23, 2002 response, the applicant requests the allowance of the Fig 1 amendment and the claim 2 language.

*A proposed amendt.*

Applicant proposes that the following amendment to the Operation under DEFINITION OF TERMS

**RUBBERMAID refuse container**- 'RUBBERMAID' refuse container refers to the 32 wheeled refuse container that is tilted for rolling having the Ferbrache handles for lifting and lid fastening as show in Fig 8, 9, 10 and identification/ description in the specification and claims will be defined by the term 'RUBBERMAID refuse container' and since many of the claims refer to this specific container and handles, it is imperative to use this term. The term 'RUBBERMAID refuse container' in this patent in the disclosure and claims will include all of the following limitations and descriptions as described in the US 4,691,840 FERBRACHE patent:

*Ferbrache  
claims*

1. A refuse container comprising:

a receptacle body having vertical side walls and a central cavity extending downwardly there between;

a lid having a downturned peripheral rim receivable over a top end of said receptacle body, said lid having peripherally located detent means;

at least one lid locking handle having an inward end pivotally coupled to said receptacle body side walls and an outward free end; said handle having camming handle locking projection means and lid locking projection means for respective engagement against said receptacle body side walls and said lid detent means as said handle free end is pivoted toward said receptacle body.

2. A refuse container according to claim 1, wherein a portion of said handle free end extends above a top surface of said lid.

3. A refuse container according to claim 1, wherein said handle locking projection means comprising at least one eccentric camming lobe disposed to rotate over said receptacle body side walls into a fixed, locked position.

4. A refuse container according to claim 3, wherein said receptacle body is formed of elastomeric plastics material deformable inwardly under influence of said camming lobe.

5. A refuse container according to claim 4, wherein said camming lobe residing in a

vertically extending recess formed within said receptacle body.

6. A refuse container according to claim 5, wherein said lid locking projection means comprising a tooth extension projecting parallel and spaced apart from said camming lobe.

7. A refuse container according to claim 6, wherein said lid detent means being located in said lid peripheral rim.

8. A refuse container according to claim 7, wherein said lid detent means comprising a continuous groove in said lid peripheral rim adapted to receive said handle tooth extension therein.

9. A refuse container according to claim 8, wherein said lid and said receptacle body being of circular horizontal cross section whereby said lid is situatable upon said receptacle body throughout a 360 degree range of orientation.

10. A refuse container according to claim 1, wherein said lid locking handle having a generally U-shaped profile, comprising parallel arm segments extending from a central bight portion, with remote ends of said arm segments being pivotally coupled to said receptacle body.

11. A refuse container according to claim 10, wherein said handle locking projection means comprising at least one eccentric camming lobe disposed at a distal end of said handle and adapted to rotate over said receptacle body into a fixed locked position.

12. A refuse container according to claim 11, wherein said receptacle body being composed of resilient elastomeric plastics material deformable inwardly under influence of said camming lobe whereby said receptacle body exerting a residual outwardly directed frictional lock against said camming lobe in said fixed locked position.

13. A refuse container comprising:

a receptacle body having vertical side walls and a central cavity extending downwardly therebetween;

a lid having a downturned peripheral lid receivable over said top end of said receptacle body and said lid having peripherally located detent means;

at least one generally U-shaped handle comprising two parallel arm segments extending from a central bight portion, with distal ends of said handle arm segments pivotally coupled to said receptacle body, whereby said bight portion swinging toward said receptacle body into a locking position and away from said receptacle body into a release position; at least one said handle arm segment having spaced apart handle locking means and lid locking projection means to respectively engage said receptacle side walls and said lid detent means as said handle bight portion is pivoted toward said receptacle body.

14. A refuse container according to claim 13, wherein said handle bight portion extending above the top surface of said lid in said locking position.
15. A refuse container according to claim 14, wherein said lid and said receptacle body being of substantially circular in horizontal cross section.
16. A refuse container according to claim 15, wherein said lid detent means comprising a continuous groove formed in said lid peripheral rim.
17. A refuse container according to claim 16, wherein said lid locking projection means comprising a tooth projection profiled for receipt into said lid rim groove.
18. A refuse container according to claim 13, wherein said handle locking means comprising an eccentric camming lobe disposed to rotate over said receptacle as said handle bight portion is rotated into said locking position.
19. A refuse container according to claim 18, wherein said receptacle body being composed of resilient plastic materials deformable inwardly as said camming lobe rotates thereover, whereby said receptacle body exerting outwardly directed resilient forces against said camming lobe in said locked position.
20. A refuse container, according to claim 19, wherein said camming lobe residing in a vertical track recess formed in said receptacle body.  
□

The following definition of terms were added in the first amendment.

**rigid entity**- is the term given to the new, single, container that is formed by securing at least one (first) attachable container on top of a wheeled container. It is also the term given to the new single container that is formed when a second attachable container is secured on the first attachable container which is already secured to the wheeled container. This also pertains to a third attachable container on top of the second, fourth on top of the third, etc. The word **single** is an adjective to further clarify the description of the new entity formed from the multiplicity of containers as a single container that functions in terms of tilting and rolling as a single container. It commonly precedes the two words "rigid entity".

**means for securing**- is the physical element that mechanically fastens between or across the interface of either a wheeled container and first attachable container, or first attachable container and second attachable container, or second attachable container and third attachable container, etc. The Ferbrache handles (4) are the preferred embodiment and several standard types of hardware or joint design are shown in the alternative embodiments in Figures 4-8.

**secure**- is the action of engaging the means of securing

*— already added  
amendments*

**hitch -noun-** is the physical element that fastens two tilted for rolling, wheeled, containers together. (One or both of the containers may be either a taller one piece container such as a refuse container, or a rigid entity. These hitched containers each have their own wheels which rest separately on the floor, thus forming the "cars of a train"). Fig 4 is the referred embodiment of a hitch which are used with the Ferbrache handles. Other examples of a hitch may be a flexible strap.

**hitch- verb** - also hitching, hitched- this is the action of fastening two tilted for rolling, wheeled containers together where one or both of the containers may be either a taller one piece container such as a refuse container, or a rigid entity.

**adjoining -adjective-** refers to the containers directly in contact with one another, such as the wheeled container and the first attachable container. The wheeled container and second attachable container do not touch each other and hence are not considered adjoining.

"Adjoining" and "adjoin" do not refer to hitches or hitching, are not used as a verb, and are not part of the hitch or hitching operation.

**ergonomically comfortable tilting and rolling** - refers to a minimal height that the rigid entity must reach to allow an adult to tilt and then roll the rigid entity with their back or spine in the straightened position.

**tilted for rolling** - means that the wheeled container or rigid entity is tilted so that the center of gravity is shifted and held in position above the axis of the means for rolling in order to vertically balance the container in a coplanar direction perpendicular to the axis of rotation. This is typically in excess of a 10 degree angle (for symmetrical evenly loaded containers) between the vertical axis of the container in its free standing position and it's tilted position

The luggage container designs where also discussed as possible prior art but there are no designs that utilize the applicant's claimed structure of using the attachable container to lengthen the shorter wheeled container to make tilting for rolling ergonomically comfortable. All luggage designs offer a extending handle that the elongates from the wheeled luggage container and an attachable container that is secured to this handle, not to their adjoining container. (There are also no luggage systems that have hitched, tilted for rolling, containers).

Applicant requests that these amendments to claim 1 and 2 be allowed

**1. TOLBERT'S SYSTEM WILL NOT FUNCTION FOR ROLLING IN THE TILTED POSITION**

**APPLICANT IS NOT CLAIMING HITCHING OF WHEELED CONTAINERS THAT ARE VERTICAL FOR ROLLING, BUT CLAIMING TILTED HITCHING FOR HITCHED CONTAINERS THAT ARE TILTED FOR ROLLING**

Applicant agrees with the examiner that hitching of containers is not novel where containers that are rolled in the vertical free standing position with castored wheels are hitched, or in the case where two non-castored wheels are located under the center of gravity of the container and the container vertically stabilized by a single lead hitch or both

*Tolbert  
discussion*

lead and trailing hitch such as in an amusement park train. Applicant is not claiming hitching a fourth or any other number of containers to Tolbert's system. However, applicant's claim is limited to the hitching of tilted for rolling containers, which is uncontested by any prior art in any field, including luggage, where there is clearly a long felt need.

Even if Tolbert rearranged his wheel positions, reduced the number of wheels to two, and changed these two to non castoring wheels, the system would not function in the tilted position because the hitch which is located centrally along the vertical height, would result in the top of the trailing container binding on the top left or right sides of the leading container as the train travels about a curve or incline. Even after changing the wheels, if the hitch was moved to the top of the containers, the additional height increase caused by the tilting would lift the towed container off the ground before the balance point was reached. If the handle was then lengthened to prevent the lifting, the container sides would not be able to touch each other in unless they are unhitched. Even with the single wheel located at it's furthest forward location, Tolbert's container slightly tilted would result in the bottom edge, in front of wheel, rubbing on the ground.

**the applicant requests reconsideration of the 35 U.S.C. 102(e) rejection of claim 1, 3-6, 9-12 and 22 for the following reasons of patentable distinction from Tiramani for the following reasons with the regards to the amendments and the defined terms in;**

**The following elaborates the distinctions of means and function over Tiramani:**

- Tiramani has a handle that must be extended for pulling the tool box in order to be ergonomically comfortable. ; Applicant has eliminated this handle by bringing the pulling handle to an ergonomically comfortable height or higher "wherein the first attachable container becomes the vertical structural extension to allow ergonomically comfortable tilting and rolling" or if more containers for a variety of materials to be transported is needed, a first and second attachable container.
- Tiramani's design closely resembles conventional luggage containers which have a telescopic or vertically extending handle that extends from the wheeled container and has a second container fastened to the wheeled container Tiramani is simply hand a dolly that has the base of the hand dolly incorporate a tool box that allow other tool boxes to be fastened on top of it; Applicant claims that the same novel features can also be applied to make luggage systems without vertically extending handles that are also more stable
- Tiramani's wheeled container with the telescopic handle fully retracted still protrudes 12 inches above the wheeled container top edge; Applicant's pulling handle does not protrude above the wheeled container top edge when folded down
- Tiramani can tilt and roll wheeled container ergonomically comfortably without fastened container; Applicant cannot tilt and roll wheeled container ergonomically comfortably unless the one or two attachable containers are secured

which  
Tiramani  
102(e)  
Tiramani  
discussion  
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- Tiramani has a separate handle for pulling the container from that of the fastening devices for the fastened container; Applicant uses the same handle for pulling, securing attachable containers, and lifting the containers
- Tiramani's fastening devices are not handles but 'snapping mechanisms 66' not meant for lifting the unfastened containers or they would have had an opening in the outer toggle flap portion of the device; Applicant uses the same handle for pulling, securing attachable containers, and lifting the containers. Applicant has shown an overcenter clasp with lifting handle in fig 7 of the alternate embodiments. Such handles are generally found on portable picnic coolers
- Tiramani has containers with top enclosed; Applicant has open top containers
- Tiramani has containers that are not dumped or emptied by inverting; Applicant has containers that are dumped by inverting
- Tiramani has boxes with multifaceted compartments and drawers, Applicant has simple open top containers
- Tiramani cannot nest one container in another; Applicant nests wheeled container in first attachable container which both nest in second attachable container. Even if there were no top on Tiramani's containers, the nontapered sides and multifaceted compartments and drawers would not permit nesting
- Tiramani cannot nest and carry toolboxes or modify them to do so, Applicant nested containers are transported from curb by carrying
- Tiramani cannot store empty containers by nesting; Applicant has reduced space for empty storage of containers
- contents of Tiramani do not contact outer surface of fastened tool boxes but rest inside of drawers, basket or tray
- two levels of Tiramani are interchangeable in vertical position, Applicant must follow vertical order
- Tiramani has a volume of 22 gallons with wheeled container and 3 fastened toolboxes (as more than 3 will result in vertical instability) ; Applicant has a volume of at least 32 gal up to 80 gallons for one rigid entity
- Tiramani is used to carry high density metal tools; Applicant is used to carry low density materials such as paper, tins, jars or garden debris, groceries, clothes
- Tiramani's high density contents limits the maximum volume to the existing design, applicant's volume is determined by need
- Tiramani has fastening devices on sides at ends of axles; applicant has handles on front and rear sides adjacent to axle
- Tiramani has no hitching points for tilted hitching, applicant has handles located at front and rear for tilted hitching; Applicant can hitch at different levels and to refuse containers
- Tiramani has increased wheeled container base on the bottom trailing edge by adding a protrusion to increase axial vertical stability; Applicant increases axial stability by increasing wheeled container perimeter and forming a rigid entity by securing containers, therefore eliminating protrusions which prevent nesting
- Tiramani's axial instability is due to the limiting tool box on top having single handle that must be lifted and carried with single hand requiring weight capacity restriction and depth restriction due to tool box rubbing against legs while carrying; Applicant has containers

lifted by both hands on two handles so weight capacity can be greater and container which rests on front of thighs while carrying

- Tiramani requires greater axial vertical stability due to drawers that are pulled perpendicular to the axial direction near the top of the assembly; Applicant is stable in this direction due to rigid entity design and different field of application and has no drawers  
- Tiramani's containers have narrow depth perpendicular to the axis resulting in vertical instability when assembled as well as when unassembled. Even unassembled containers will roll in a vehicle if not braced; Applicant containers will not roll in a vehicle if not braced

- contents are entered and removed independently through side located doors, Applicant enters through top opening and empties entire contents simultaneously by inverted dumping

- Applicant's novel design allows wheels to nest while still having wheels located at outermost edge at maximum width while allowing greater tilting to increase dynamic stability

- Tiramani adds projections to improve vertical stability while Applicant's novel approach allows the wheeled container base to be increased without increasing the effective lifting weight by the use of rigid entity invention principle and the tilted for rolling hitching principle

- Tiramani's top tool boxes are moved and used independently of wheeled container and requires telescopic handle, Applicant's containers are not moved or used independently of wheeled container

- Tiramani has containers located inside tool boxes which are piled and fastened to a dolly or cart; Applicant's containers eliminate the cart by forming a rigid entity out of two or more containers.

- Tiramani is a toolbox system and portable work bench; Applicant is a container system

- Tiramani is a mobile tool box and portable work bench that has modules that are fastened to it; Applicant is composed of simple containers, some having wheels

- contents of Tiramani are dense usually metal tools requiring partitions; Applicant contents are recyclable light and bulky materials requiring a separate container for each class of material

- Tiramani is designed for tools and fasteners requiring many partitions in one box with multifaceted compartments; Applicant has usually 3 separate containers to separate each class of material

- Tiramani's contents has and requires partitions within each container; Applicant has singular containers as partition

- Tiramani does not have lifting handles on lower boxes only snapping mechanisms 66; Applicant has lifting handles

- upper toolcase has single lifting handle that does not hitch or secure containers; Tiramani has handles on sides

- applicant cannot hitch handles as Applicant because they are located on sides

- Tiramani is injection molded; Applicant is simple blow molded container

- Tiramani has openings through side or vertical face; Applicant has openings at top or smaller side opening for loading while still allowing containing or holding

(The following argument will be referred to as the perimeter restriction or volume restriction or capacity restriction) - Tiramani has a total volume of 22 gallons with the wheeled container and 3 fastened containers, which follows or is similar to luggage devices that are stacked. Both Tiramani's and the luggage industry have devices having the same base perimeter dimensions of approximately 170 inches. Tiramani's actual wheeled container perimeter is 52 but a 1 inch protrusion is added to the depth to improve vertical stability. Tiramani's maximum volumetric capacity of the sum of the system is determined by the combination of :

- a) a single lifting handle '92' centrally located on the top surface of the 'tool case 62' to allow single hand carrying typical of tool boxes in order to free the other hand for carrying another item or opening doors, etc.
- b) the 'tool case 62' has similar dimensions to typical single hand carried tool boxes, which has a 17 inch by 9 in perimeter and height of 8 inches plus a 4 inch high drawer totaling 12 inches. The 12 inch height holds a sufficient variety of tools and is higher than typical tool boxes. (not available in store where applicant purchased having two drawers).
- c) the 9 inch depth is determined by the clearance needed to prevent tool box from rubbing against leg while carrying and walking.
- d) the height is determined by the typical person's weight carrying physical strength and the typical contents density, in this case tools (luggage may be higher and longer but not usually wider due to leg rubbing and lower weight density of contents.)

The combination of a), b), c) and d) determine the dimensions of Tiramani's 'tool case 62' with drawer container. The wheeled container perimeter is determined for practical, aesthetic, manufacture and space efficiency, to have the same perimeter and the height as typical tool boxes, being determined by the typical person's weight carrying physical strength for weight, also being 12 inches. The base of the wheeled container also has a one inch projection opposite to the axle to improve vertical stability when opening drawers.

Applicant's novel design overcomes the dimensional limitations or restrictions of Tiramani as well as luggage by having two lifting handles at opposite sides of container which allows for two armed lifting of container in front of body with option of resting lower edge of container on top portion of knees or thighs. This allows for larger perimeter containers on the depth (perpendicular to axial length) dimension, since leg rubbing during carrying and walking is no longer a restriction, the width (axial length) is determined by shoulder width and arm divergence limitations, however door widths of 32 inches are the limiting dimension for width. Applicant overcomes the 9 inch depth restriction as well as the vertical instability because the weight limits are increased since the physical load is:

- a) balanced across the back not on one side of the back
- b) resting on two arms not one
- c) pulling forward on back muscles not single side muscles
- d) load can be partially supported by knees or thighs
- e) the application of curb side delivery does not require carrying of attachable container independent of wheeled container, as recycle goods are lifted off first and then refuse container moved to opposite side of driveway, or simply unhitched and tilted vertical as a rigid entity vertically stable enough to be stored in the secured configuration, unlike Tiramani's detachable tool box that is transported independently from the wheeled container; up and down stairs, congested work sites, restrictive areas, etc.

f) the application of recycle goods and luggage are of a lower weight density than tools  
g) Applicant does not have awkward extendible handle that when collapsed is still extended 12 inches above the wheeled container upper edge having a single lifting point that is not centrally located on top of wheeled container, without any side handles, resulting in the wheeled container pivoting inwards and dragging up front of legs while not allowing enough movement in the comfortable lifting zone to clear the floor or trunk of vehicle because initial gripping point starts at 26 inches above ground.

Hence the tool box of Tiramani and the luggage bag both are carried on top having single handle that must be lifted and carried with a single hand requiring weight capacity restriction and depth restriction due to tool box rubbing against legs while carrying. Applicant has overcome this paradigm by securing containers lifted by both hands on two handles so weight capacity can be greater and container rests on front of thighs while carrying. Hence, **Applicant's novel approach overcomes the perimeter restriction of the one handle one hand held attached container**.

-The telescopic handle limits the container height above the gripping point due to overhanging of containers protruding above the gripping section and crushing against the arm or backside of the person's vertical body while tilted; Applicant has overcome this long felt limitation by forming rigid entities allowing larger base perimeters of the wheeled container, and in the specific retrofit to the RUBBERMAID refuse container, the height of the pulling handle is higher and the attaching interface diameter large enough to allow a significant volume to be added without significant increase to the protrusion above the handle a volume of at least 45 gallons up to 80 gallons or more.

Tiramani teaches fastening devices not handles. Applicant has shown an overcenter clasp with lifting handle in fig 7 of the alternate embodiments. Such handles are generally found on portable picnic coolers. If Tiramani's fastening devices were to be for lifting he could have used such handles or modified the toggle portion of his snapping mechanism to have an opening for the hand.

-Applicant's application requires relatively high volume containers having relatively few divisional compartments and frequent periodic use, as compared to Tiramani. Recycle and refuse containers are moved usually once per week and usually require two to three recycle bins and two refuse containers, depending on municipality and family size. The overall number of divisional compartments would be four as compared to Tiramani's 24 compartment tool box, and a volume of 100 gallons as compared to 17.22 gallons of Tiramani's one wheeled container with 2 fastened tool boxes assembly (22 gallons with 3). A single refuse container of 32 gallons is almost double in capacity and a recycle bin single rigid entity of three bins would probably be in the order of 90 gallons or 5 times the volume of Tiramani. The hence Applicant's total hitched typical hitched volume of two refuse and one three container recycle bin would be 154 gallons compared to Tiramani's 17.22 gallons. This is a factor of approximately 9. It is unlikely and not typical that a person working on site would require nine of Tiramani's tool box assemblies or even 2 nor would someone need a recycle bin system with 216 different compartments. Tiramani

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system cannot be expanded for one assembly and certainly not a hitched assembly to have the volumetric capacity similar to applicant's.

**Claim 1 clearly defines over Tiramani in terms of means and function as well has been amended to obviate over Tiramani in the following ways:**

- the limitation "said attachable container, to be added if the combined height of the said wheeled container and said first attachable container do not reach the height necessary for ergonomically comfortable tilting and rolling," clearly distinguishes the rigid entity invention since Tiramani does not need this option due to his handle.
- Even though Tiramani does not show applicants novel design, the limitation "consisting of open top containers that can nest within each other" obviates and clearly defines over Tiramani which even if Tiramani's container tops were removed could still not nest within each other.
- the limitation "wherein a two container single rigid entity is formed from the secured said wheeled container and said first attachable container wherein the said first attachable container becomes the vertical structural extension to allow ergonomically comfortable tilting and rolling of the said two container single rigid entity, and whereby a cart, frame, or vertically extending handle is no longer required" clearly states Applicant's novel invention of the rigid entity and the resulting elimination of Tiramani's extended pulling handle which is part of the wheeled cart shown in Tiramani's FIG. 7
- the limitation "and whereby the vertical stability is increased without increasing either the effective lifting weight or adding horizontal protrusion to a wheeled container to widen the base to increase the vertical stability", obviates the distinction in structure and the resulting elimination of any base protrusions needed to increase vertical stability when free standing. The limitation "and wherein and whereby the sum of the volumetric capacity of the said first attachable container and the said wheeled container is greater than 25 gallons and wherein the base perimeter of the wheeled container is greater than 55 inches and wherein the total volume of the said two container rigid entity is greater than 32 gallons," clearly distinguishes the usage category in terms of weight density, capacity, and base perimeter with corresponding shape. Tiramani's maximum perimeter depth of 9 inches plus 1 inch projection total 10 inch compared to Applicant's minimal 16 inch diameter (similar in size to the RUBBERMAID refuse container) or 51 inch perimeter, and maximum capacity of 22 gallons (wheeled plus 3 fastened toolboxes) compared to Applicant's minimal 32 gallons.
- the limitation " and wherein the said wheeled container can nest within the said first attachable container" clearly distinguishes the structure and function over Tiramani as Tiramani cannot nest even if his container top were removed, nor would Tiramani need to nest his containers.
- the limitation "d) a means for securing and lifting with two hands" clearly distinguishes over Tiramani since there are no handles but snapping mechanisms and only single hand lifting handles limiting the overall dimensions as previously explained in the volume restriction argument.

The applicant requests reconsideration and allowance of the claims of 1 with regards to Tiramani under 35 U.S.C. 102 according to the reasons above.

*uses Ferbrache only*

the applicant requests reconsideration of the 35 U.S.C. 102(b) rejection of claim 21 which is similar to claims of 5, 23, and 7 for the following reasons of patentable distinction from Tiramani for the following reasons with the regards to the amendments and the defined terms in;

The following elaborates the distinctions of means and function over Ferbrache:

*end of Tiramani*  
*begin of Ferbrache*

**THE FERBRACHE HANDLE IS CLAIMED AS A NEW USE PATENT FOR SECURING ADJOINING CONTAINERS AS WELL AS HITCHING TILTED FOR ROLLING CONTAINERS**

Not only is Ferbrache handle novel in terms of a new use for securing adjoining containers, it is even more remarkably novel in terms forming part of a tiltable hitch, especially when tiltable hitching by itself is novel. Claims 5, 23, 7 or 21 does not claim the Ferbrache handle as lid locking device, but rather as a new use for securing adjoining containers and hitching containers. If lids and handles are used for spillage prevention, this is not intended or claimed in any way, to be novel.

- Ferbrache has a refuse container with a handle locking a lid onto a refuse container; Applicant has the same handle securing a recycle bin onto the same refuse container
- Ferbrache's lid is convex shaped; Applicant's container has a flat bottom
- Ferbrache's lid is placed on refuse container with edge below convex face; Applicant's container is placed on refuse container with edge above flat bottom face
- Ferbrache's lid has no containment sides; Applicant's container has containment sides
- Ferbrache's lid has a height of 6 inches, of which two inches are a handle protrusion on top; Applicant has a container typically between 6-30 inches in height
- Ferbrache has a handle protrusion on top of lid for lifting lid off with one hand; applicant has 2 Ferbrache lifting handles to lift the container and as well to secure a second attachable container on top. Febrache does not have his handles on lid for lifting lid off as he does on the refuse container.
- Ferbrache's lid will remain in position when the refuse container is rotated up 85 degrees or laid on its side with the lid unfastened by the handles without it toppling off; Applicant's container with topple off if unsecured if tilted for rolling.
- Ferbrache's lid has no contents to produce a upward rotational force or moment against the bottom of tooth projection 16 of the handle adjacent to the axle during tilting, whereas Applicant's container even without contents will produce a moment sufficient to cause toppling of container if not secured. With contents filling attachable container, the moment is even greater.
- Ferbrache only requires the fastening function of the handles for purposes of lid locking in the events of wind or animals, typical of most refuse containers, Applicant does not need lids on recycle bins as animals are not interested in newspaper or plastic, and attachable container functions also like a lid for the container below it. Febrache's separately attached handles during fabrication allows blow molding rather than injection molding of the refuse container to include handles as part of the refuse container.
- Ferbrache's lid is horizontally fixed by the outer surface of the upper perimeter of the refuse container; Applicant's attachable container is horizontally fixed by the inside surface of the upper perimeter of the wheeled container

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-Ferbrache's lid is horizontally fixed by the inside surface of the lid's inside perimeter to the refuse container; Applicant's attachable container is horizontally fixed by the bottom outside surface of the bottom perimeter of the attachable container to the wheeled container.

**Claim 21 clearly defines over Tiramani in terms of means and function as well has been amended to obviate over Tiramani in the following ways:**

The amended claim reads

21.(currently amended) A method for securing a container to a second container by means of the handle as described in US 4,691,840 FERBRACHE patent wherein:

- a) said second container rests on top of said container
- b) a hitch connects to said handle of said container secured to said container by said handle

but excluding securing lids onto containers.

The Applicant is clearly not claiming lid locking or lifting as the use, but the new use of securing a container to a container and hitching to the handle

The applicant requests reconsideration and allowance of the claims of 21 with regards to Ferbrache under 35 U.S.C. 102(b) according to the reasons above.

end Ferbrache

the applicant requests reconsideration of the 35 U.S.C. 103(a) rejection of claim 23 for the following reasons of patentable distinction over Tiramani 1 and Tiramani 2 for the following reasons;

103 Tiramani

5. The system of claim 4 wherein said first attachable container is a recycle container on top of said refuse container.

23 (Added) The system of claim 5 wherein said refuse container is the 32 gallon RUBBERMAID refuse container.

Applicant's is claiming that it is novel to apply the principle of securing a recycle bin to the specific 32 gallon RUBBERMAID refuse container. The Applicant believes that after someone skilled in the art sees the Tiramani tool box that they would not see that securing a recycle bin to the 32 gallon RUBBERMAID refuse container for the following reasons:

- Tiramani teaches that fastening a container onto a hand dolly which has a container integrated with the lower section of the hand dolly
- Tiramani teaches extending the handle of the dolly to allow convenient transportation in vehicles; Applicant teaches convenience by nesting and elimination of handles, telescopic handles, dollies, carts

- Tiramani teaches fastening two containers by separate fastening devices from that for pulling; Applicant uses handles for securing, pulling and hitching
- If the Applicant's attachable container as shown in the original Fig was modified to fit on top of Tiramani's wheeled container and it's volume approximated in reference to the 32 gallon RUBBERMAID refuse container, the total height would be approximately 5 ft high
- Tiramani's handle would hinder the dumping of the wheeled container
- Tiramani's wheeled container has an unremovable top so that it is not possible to dump the container by inversion

**Tiramani's system inoperable as a recycle bin and refuse container**

- Tiramani's container would require the waste collection person to hold the wheeled container upside down with one hand on the extended handle, since the fastening devices have no opening for gripping for the palm of the hand (the weight of 32 gallons of refuse could not be held inverted by finger pressure of one hand squeezing the toggle flap portion of the fastening device) while at the same time opening with the other hand the unlocked "front lock 128" and opening "bin 128 in casing 126"

- Tiramani teaches boxes with multifaceted compartments and drawers, Applicant teaches simple open top containers
- Tiramani teaches container that cannot nest one container in another; recycling and refuse containers must nest in each other for reasons of transport, storage during and after purchase, and this is especially important with the much larger and low cost containers. Even if there were no top on Tiramani containers, the nontapered sides and multifaceted compartments and drawers would not permit nesting. Applicant's nested containers may be transported from curb by carrying
- Tiramani teaches a total volume of 22 gallons with the wheeled container and 3 fastened containers, which follows or is similar to the teaching of luggage devices that are stacked. Both Tiramani's and the luggage industry's teaching has resulted in devices having the same base perimeter dimensions of 170 square inches. Tiramani's maximum volumetric capacity of the sum of the system is determined by the combination of :
  - a single lifting handle '92' centrally located on the top surface of the 'tool case 62' to allow single hand carrying typical of tool boxes in order to free the other hand for carrying another item or opening doors, etc.
  - the 'tool case 62' has similar dimensions to typical single hand carried tool boxes, which has a 17 inch by 9 in perimeter and height of 8 inches plus a 4 inch high drawer totaling 12 inches. The 12 inch height holds a sufficient variety of tools and is higher than typical tool boxes. ( not available in store where applicant purchased having two drawers).
  - the 9 inch depth is determined by the clearance needed to prevent tool box from rubbing against leg while carrying and walking.
  - the height is determined by the typical person's weight carrying physical strength and the typical contents density, in this case tools (luggage may be higher and longer but not usually wider due to leg rubbing and lower weight density contents.)The combination of a), b), c) and d) determine the dimensions of the Tiramani's 'tool case 62' with drawer container. The wheeled container perimeter is determined for practical,

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aesthetic, manufacture and space efficiency, to have the same perimeter and the height again by the typical person's weight carrying physical strength for weight, also being 12 inches. The base of the wheeled container also has a one inch projection opposite to the axle to improve vertical stability when opening drawers.

Applicant's novel design of overcomes the dimensional limitations or restrictions of Tiramani as well as luggage by having two lifting handles at opposite sides of container which allows for two armed lifting of container in front of body with option of resting lower edge of container on top portion of knees or thighs. This allows for larger perimeter containers on the width dimension, since leg rubbing during carrying and walking is no longer a restriction, the width is determined by shoulder width and arm divergence limitations, however door widths of 32 inches are the limiting dimension for width. The 9 inch depth restriction is overcome as well as the vertical instability.

The weight limits are increased because:

- a) the physical load is balanced across the back not on one side of the back
- b) the physical load is resting on two arms not one
- c) the physical load is pulling forward on back muscles not single side muscles
- d) the physical load is partially supported by knees or thighs
- e) the application of curb side delivery does not require carrying of attachable container independent of wheeled container, as recycle goods are lifted off first and then refuse container moved to opposite side of driveway, or simply unhitched and tilted vertical as a rigid entity vertically stable enough to be stored in the secured configuration, unlike Tiramani's detachable tool box that is transported independently from the wheeled container, up and down stairs, congested work sites, restrictive areas, etc.
- f) the application of recycle goods and luggage are of a lower weight density than tools
- g) Applicant does not have awkward extendible handle that when collapsed still extends 12 inches above the wheeled container upper edge having a single lifting point that is not centrally located on top of wheeled container, without any side handles, resulting in the wheeled container pivoting inwards and dragging up front of legs while not allowing enough movement in the comfortable lifting zone to clear the floor or trunk of vehicle because initial gripping point starts at 26 inches above ground.

The tool box of Tiramani and the luggage bag both or carrying on top having single handle that must be lifted and carried with single hand requiring weight capacity restriction and depth restriction due to tool box rubbing against legs while carrying. Applicant has overcome this paradigm by securing containers lifted by both hands on two handles so weight capacity can be greater and container rests on front of thighs while carrying.

? bizarre

Applicant's novel approach overcomes the perimeter restriction of the one handle one hand held attached container.

-The telescopic handle limits the height due to overhanging of containers protruding above the gripping section and crushing against the arm or backside of the person's vertical body while tilted; Applicant has overcome this long felt limitation by forming rigid entities allowing larger base perimeters of the wheeled container, and in the specific retrofit to the RUBBERMAID refuse container, the height of the pulling handle is higher and the attaching interface diameter large enough to allow a significant volume to be added

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without significant increase to the protrusion above the handle a volume of at least 45 gal up to 80 gal

Tiramani teaches fastening devices not handles. Applicant has shown an overcenter clasp with lifting handle in fig 7 of the alternate embodiments. Such handles are generally found on portable picnic coolers.

- Tiramani teaches fastening devices on sides coplanar to wheels; applicant teaches handles perpendicular to wheels so that even if Tiramani eliminated telescopic handle, the fastening devices would require modification for gripping, pulling while fastened, and relocation to perpendicular to wheels
- Tiramani teaches contents are removed independently through side located doors, Applicant enters through top opening and empties by entire contents simultaneously dumping
- Tiramani teaches top tool boxes moved and used independently of wheeled container and requires telescopic handle; Applicant containers not moved or used independently of wheeled container
- Tiramani teaches containers located inside tool boxes which are piled and fastened to a dolly or cart, Applicant's containers eliminate the cart by forming a rigid entity out of two or more containers
- Tiramani is a toolbox system and portable work bench; Applicant is a container system
- Tiramani teaches openings through side or vertical face, Applicant has openings at top or smaller side opening for loading while still allowing containing or holding

**Tiramani is inoperative as a recycle bin / waste container (see above arguments as well). Tiramani would require the following modifications to operate**

-removal of top portion of fastened containers and of wheeled container to make opening,  
-removal of telescopic handle, trays, drawer "front lock 128", "bin 128 in casing 126"  
-opening for gripping for the palm of the hand (the weight of 32 gallons of refuse could not be held inverted by finger pressure of one hand squeezing the toggle flap portion of the fastening device) in toggle portion of fastening device

**Tiramani solves different need of transporting tools and toolboxes. Applicant solves need to move a recycle bin on an existing refuse container. No where does Tiramani mention recycle goods or the RUBBERMAID refuse container.**

RUBBERMAID refuse container is 20 years old and common and so are recycle bins and it would require very little modification to a bin to fit on the RUBBERMAID refuse container, yet Tiramani, Newell/Rubbermaid company, or anybody else has suggested this solution to a long felt but unresolved need requiring very little modification to a recycle container relative to the many modifications required (see modifications above) to make Tiramani containers function as a refuse container recycle bin.

**Unexpected results** confirms Applicant's novel approach:

-of one less trip to curb come from the new use of the existing Ferbrache handles

*end Tiramani*  
*long felt unresolved*  
*need*  
*- unexpected result*

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- secure transport, and not just resting, of the recycle bin by handles that have always been used for lifting and lid holding.
- no physical lifting during transport of recycle bin
- the lid, which has been transported on top of recycle bin while also keeping loose light recycle goods from falling out while tilted, is then replaced to secure the contents of the waste container without having to take another trip to get it, and also securely rests within the similar shaped larger perimeter of the recycle bin
- the overall vertical stability is actually improved by adding the height of the recycle bin because the top edge, or handle if part of the bin, provide a second gripping point that is located along the forward edge (unlike the container with the lid on with gripping ridge running across middle of container diameter ) and the second gripping edge being vertically above at a significant distance to provide leverage or stabilizing moment to produce vertical stabilization.
- dripping of dirty water from bin onto legs is avoided
- weight of recycle bin and contents help to compress contents of overfilled waste containers
- the added height is ergonomically more comfortable, especially for tall people since the present height is minimized to increase the base perimeter.
- one less trip back from the curb
- physically easy transport back from the curb
- a recycle bin with handles (if included)
- a recycle bin with handles (if included) for easy lifting in terms of grip as well as vertical extension to reduce bending over.
- the reduced space requirement when stacked in home or at end of driveway for smaller families in smaller residences.

The combination of novel ideas for this particular part of the invention require the following combination of obstacles to be overcome in order to function. The obstacles teach that it is not possible or teach away from the invention. As well, the assumed insolvability, by those skilled in the art for the following:

- adding of even more height to an already vertically unstable container is overcome because the attached container is placed on top before transport and taken off after brought to the windy, nonlevel curb, where stray dog or raccoons will easily topple the container which would then roll onto the road. The overall vertical stability during transport is actually improved by adding the height of the recycle bin because the top edge, or handle (if part of the bin), provide a second gripping point that is located along the forward edge (unlike the container with the lid on with gripping ridge running across middle of container diameter ) and the second gripping edge being vertically above at a significant distance to provide leverage or moment to produce vertical stabilization
- The lid, which has been transported on top of recycle bin while also keeping loose light recycle goods from falling out while tilted, is then replaced to secure the contents of the waste container without having to take another trip to get it.
- replacing a lid with a container
- replacing a lid with a container when the container is to be moved

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- replacing a lid with a container when the container is tilted during movement
- replacing a lid with a container when the particular handles have always been used for holding lids and lifting waste containers, not securing recycle bins
- replacing a lid with a container where the particular handles happen to have sufficient holding capability to secure, unlike most lid holding devices on other waste containers that barely hold the lid on
- the lid, which has been transported on top of recycle bin while also keeping loose light recycle goods from falling out while tilted, is then replaced to secure the contents of the waste container without having to take another trip to get it and also securely rests within the similar shaped larger perimeter of the recycle bin.
- the RUBBERMAID refuse container has been widely used and known for twenty years and has not had a recycle bin secured to it.

**The invention is contrary to the prior art:** the prior art teaches recycle bins should be transported together at a different time by a different device such as a cart unlike the Applicant's approach of waste and recycle goods simultaneously. Tiramani teaches transporting tools with tools.

All of the above clearly prove the novelty and unobviousness of the recycle bin secured on the RUBBERMAID refuse container. The hitching of rigid entities and a second or third RUBBERMAID refuse container to complete the system, is even more unobvious and novel and should be considered using all the benefits etc. of the tilted hitching aspect.

23 (Added) The system of claim 5 wherein said refuse container is the 32 gallon RUBBERMAID refuse container.

The claim limitation of the specific 32 gallon tilted for rolling RUBBERMAID refuse container having a recycle bin secured by it's existing handles is narrow and very limited to this particular application and there is no prior art that would disclose this, even though the 20 years of need for such an invention by a large portion of the public has failed to produce even a tilted for rolling recycle container attachment. The novelty of using a recycle bin instead of the lid overcomes the expected inoperability and produces the many new benefits and unexpected result of actually improving the stability when rolling, etc. The applicant request reconsideration for the above reasons.

*T1 + T2v Tolbert  
rejection  
begins*

**the applicant requests reconsideration of the 35 U.S.C. 103(a) rejection of claim 13-16 and 18) as being unpatentable over Tiramani 1 and Tiramani 2 in view of Tolbert to increase the storage space and variety of space. Reconsideration is requested for the following reasons;**

**1. The Tiramani container would require the many previously stated modifications, an additional part which is the hitch, and would still be inoperative.**

It is clear that Tiramani does not have handles but "snapping mechanisms 66" and has a single "pulling handle 56" located on the back side over the axle. If the "pulling handle 56" was to be hitched to a pulling handle 56 of a second container assembly by the addition of a hitching device similar to Applicant's, which Tiramani does not have or suggest, then the back side of the second hitched container would lift off the ground as it fulcrums on the top horizontal corner above the non axle front side not only when tilted but also prior to tilting in the vertical free standing position. If the pulling handles were hitched with the back pulling sides facing each other, then when tilted the container assemblies would form an inverted 'V' or pyramid and could not be accessed by pulling in front of, or if accessed by walking beside the inverted 'V' the lead container would not be steerable but instead would steer the assembly in an uncontrolled manner making the proposed configuration inoperable.

If the "snapping mechanisms 66" are to be construed as handles and hitch by the addition of a hitching device similar to Applicant's, which Tiramani does not have or suggest, then the container assemblies would form an 'L' shape as viewed from above where one of the trailing container wheels would lift off the ground and drag rather than roll, or if tilted so that the axles remain end to end the containers would not resemble Applicant's hitching but more of side by side configuration. Applicant includes these arguments for the record but respectfully believes that the examiner is suggesting moving the both "snapping mechanisms 66" as Tolbert to front and rear positions. The "snapping mechanisms 66" would also require the modification of the toggle portion of the "snapping mechanisms 66" to accommodate the hitch since Tolbert's handles will not function for tilted hitching. Additional modified "snapping mechanisms 66" would then have to be added at the top of the upper most tool box even though no fastening devices are required since hitching "snapping mechanisms 66" below the top edge for hitching would result in releasing the container being fastened for hitching, resulting in the top container of the lead container assembly to fall off, rendering the combination inoperative.

**2. There is no logical reason to combine**

Tiramani's single assembly is sufficient to bring a significant number of tools to a remote site, since usually one hand held tool box is sufficient even without the wheeled container or additional fastened draws and carousel, that a second assembly would rarely be needed and if it were, the infrequency and demand would render it not necessary to hitch.

Applicant's application requires relatively high volume containers having relatively few divisional compartments and frequent periodic use, as compared to Tiramani. Recycle and refuse containers are moved usually once per week and usually require two to three recycle bins and two refuse containers, depending on municipality and family size. The overall number of divisional compartments would be four as compared to Tiramani's 24 compartment tool box, and a volume of 100 gallons as compared to 17.22 gallons of Tiramani's one wheeled container with 2 fastened tool boxes assembly (22 gallons with 3). A single refuse container of 32 gallons is almost double in capacity and a recycle bin single rigid entity of three bins would probably be in the order of 90 gallons or 5 times the volume of Tiramani. The hence Applicant's total hitched typical hitched volume of two

refuse and one three container recycle bin would be 154 gallons compared to Tiramani's 17.22 gallons. This is a factor of approximately 9. It is unlikely and not typical that a person working on site would require nine of Tiramani's tool box assemblies or even 2 nor would someone need a recycle bin system with 216 different compartments. This would make combining Tolbert and Tiramani not obvious or practical nor would there be any logical reason to combine them.

### **3. Nonanalogous art**

Tiramani's maximum volumetric capacity of the sum of the system is determined by the single lifting handle '92' centrally located on the top surface of the tool box or 'toolcase 62'. This is explained in detail in the Tiramani 102 arguments as perimeter or volume restriction argument. This reason and the reason above of "There is no logical reason to combine" clearly demonstrates the different , use, capacity, needs and hence technical field of invention making the proposed combination nonanalogous art

### **4. Tolbert takes a different approach from Tiramani and reaches a different solution to a different problem. Since they teach away from each other, it would not be logical to combine them. Tolbert teaches hitching refuse containers while Tiramani teaches fastening tool boxes to a wheeled tool box cart with a telescopic handle.**

Clearly Tiramani has no wheeled refuse or recycle container, and Tolbert has no recycle container nor tilted for rolling refuse container. Therefore, it would not be logical for someone skilled in the art to remove one of the toolboxes from the top of Tiramani's wheeled tool boxes and fasten or attempt to bind it on top of Tolbert's refuse container, nor would it be logical to hitch a refuse container, that does not tilt when rolling, to Tiramani's container.

### **5. Each of the Tolbert and Tiramani systems is individually complete and functional in itself, so there would be no reason to use parts from Tolbert's to improve Tiramani's.**

Tolbert would not require securing because it does not or cannot tilt, and adding the operation of securing would be a laborious disadvantage.

### **6. Tolbert nor Tiramani do not contain any suggestion, expressed or implied, that they be combined in the manner suggested.**

Neither Tolbert nor Tiramani in their objectives of their inventions, or any where else, express or imply any suggestion that their systems are incomplete or should be expanded or combined with other methods to produce other results.

### **7. Tolbert and Tiramani teach away, expressly or by implication from the suggested combination, since Tolbert teaches increasing the system capacity by hitching containers while Tiramani by stacking vertically.**

Tolbert teaches that if you want to increase the capacity of the system, then hitch more containers onto the train, not securing containers on top as suggested by the combination. Tiramani teaches a system that increases its capacity by stacking higher, not hitching. Both

these teachings would lead someone skilled in the art away from a solution of combining to increase capacity.

Even when the capacities of each system is maximized, Tolbert would teach the obvious solution would be to start a second train, while Tiramani would teach obtain a second cart. Both clearly teaching away from combination in terms of volume and variety as well as after maximum capacity is reached. .

**8. Since the Tolbert system does not tilt for rolling, it would not be logical or obvious for someone skilled in the art to hitch the Tiramani system which is tilted because they teach away from each other**

**9. Even if combined, the synergism is less than applicant's**

The whole, that is the result achieved by applicants invention, is greater than the sum of the parts, as of the combination. Applicants invention produces the many new and unexpected results as a direct result over the combination. Some of the results that are produced that are not found in the combination are two handed lifting handles resulting in the overcoming of the dimensional limitation of the one handed tool box perimeter explained in the 103 Tiramani arguments, the proposed combination would not be able to remain hitched when tilted to and from the free standing position and will not remain free standing in the tilted position as explained in the inverted 'v' / elongated action of the Ferbrache handles, the inability to dump, nest, blow mold, and increase the base perimeter/ vertical stability and so clearly the combination is not obvious and even when combined do not disclose the invention, nor sums up to the whole of the invention in terms of results.

In the July/02 conversation, the examiner suggested a limitation of perhaps greater than 10 degrees of tilt to overcome Tolbert with regards to possible tilting that may result from impacting or acceleration of the Tolbert system. It was agreed that it is unreasonable to expect the Tolbert container to balance on the single lead wheel located in line and below the hitch. Even a single Tolbert container would be extremely difficult for a person to hold tilted at any angle, and that with Tolbert's hitching structure it would be impossible to roll a train of tilted containers each on their one single swivel front castor for any distance at even the slightest angle.

It was also agreed that the casters do not function when the plane of swivel of the castor is tilted relative to the plane of the surface of travel (floor). Since tilted hitching is not shown by Tolbert, it is inapplicable in combination with Tiramani, making the combination even more unobvious.

The applicant requests reconsideration and allowance of the claims with regards to Tiramani in view of Tolbert under 35 U.S.C. 103(a) according to reasons above.

the applicant requests reconsideration of the 35 U.S.C. 103(a) rejection of claim 21, for being unpatentable over Tiramani 1 or Tiramani 2 in view of Tolbert and further in view of Ferbrache (handle). Reconsideration is requested for the following reasons:

1. Clearly from the applicant's reasons regarding the 103(a) Tiramani in view of Tolbert, the invention is not disclosed nor can they be combined. Applicant includes these reasons in conjunction with the Ferbrache 102 reasons to obviate Applicant's novelty. Applicant also gives the following reasons to be applied with regard to the claim 21 rejection with reference to the novelty of the Ferbrache handle.

Claim 21  
rejection  
begins

**2. THE FERBRACHE HANDLE IS CLAIMED AS A NEW USE PATENT FOR SECURING ADJOINING CONTAINERS AS WELL AS HITCHING TILTED FOR ROLLING CONTAINERS**

Not only is Ferbrache handle novel in terms of a new use for securing adjoining containers, it is even more remarkably novel in terms forming part of a tiltable hitch, especially when tiltable hitching by itself is novel. Claim 21 does not claim the Ferbrache handle as lid locking device, but rather as a new use for securing adjoining containers and hitching. The 102 arguments for Ferbrache clearly show the distinction and novelty of the new uses over lid locking and lifting, so that viewing the use of lid locking and lifting for securing to form rigid entities and hitching is not relevant or applicable.

**3. Tolbert, Tiramani and Ferbrache take a different approaches from each other and reaches a different solution to a different problem. Since they teach away from each other, it would not be logical to combine them. Tolbert teaches hitching refuse containers while Tiramani teaches piling and fastening a tool box and tool drawer on a wheeled hand dolly cart and Ferbrache teaches handles for locking lids and lifting.**

Even if Tiramani and Tolbert could be combined, replacing Tolbert's hitch (not handle, as Tolbert states it's function was for hitching, and pulling, not lifting) with a lifting / lid locking device that results in the loss of the lid locking as well as lifting, when moved to the central height location, is illogical. If the handle was located at the top, it still would not lock the lids because it would be in the open position during towing and the hitching at that location would result in the containers toppling forward when pulled.

**4. Each of the Tolbert, Tiramani, and Ferbrache systems is individually complete and functional in itself, so there would be no reason to use parts from Ferbrache and Tolbert's to improve Tiramani's.**

Tiramani does not see two handed lifting of containers necessary because if he did would of used handles instead of 'snapping mechanisms 66' as well as it also it goes against standard single handle toolbox design and would result in a total of 3 handles since a single handle centrally located on top is still necessary to allow one free hand for door

opening or carrying other items. Tiramani would not need to hitch more than one tool container assembly since one is more than sufficient to hold a full selection of generally used tools as explained above.

**5. Tolbert, Tiramani and Ferbrache do not contain any suggestion, expressed or implied, that they be combined in the manner suggested.**

Neither Tolbert, Tiramani or Ferbrache in their objectives of their inventions, or any where else, express or imply any suggestion that their systems are incomplete or should be expanded or combined with other methods to produce other results.

**6. Even if Tiramani and Tolbert could be combined, they teach away, expressly or by implication from the suggested combination with the Ferbrache handle, since Tiramani teaches handles on forward and behind sides of axle while Tiramani teaches snapping mechanisms at both (axle end) sides. If the handles for lifting were placed handles on forward and behind sides of axle instead of snapping mechanisms at both axle end sides, the containers would have the handles on the long front and rear of the containers instead of the shorter ends making extension of the telescopic handle impossible as it would hit the Ferbrache handles and would teach against conventional luggage design having fastening devices at the ends.**

**7. The proposed combination is made inoperative by the Ferbrache handles unable to hold the heavier tools than recycle goods due to the higher density as well as the narrow front to rear depth of Tiramani's 9 inch compared to Applicant's 27 inch or more depth resulting in greater moment of the container edge on the tooth projection due to the shorter moment arm (in this case 9 to 27 or three times greater force). Clearly the inoperativeness of the weaker holding strength of the Ferbrache handle assumed to be designed for lid locking with a zero content no moment load of a lid, renders the combination unobvious.**

The inoperativeness of the drawers opening with the Ferbrache handle on the rear face of the wheeled container projecting upward would prevent the drawers or carousel from opening or if projecting downward, prevent the wheeled container tilt out basket from opening.

If the handles for lifting were placed on the forward and behind sides of axle instead of snapping mechanisms at both axle end sides, the containers would have the handles on the long front and rear of the containers instead of the shorter ends making lifting awkward as the ends protrude into the body while lifting.

If the handles for lifting were placed on the forward and behind sides of axle instead of snapping mechanisms at both axle end sides, the containers would have the handles on the long front and rear of the containers instead of the shorter ends making extension of the telescopic handle impossible as it would hit the Ferbrache handles.

**8. The Tiramani container would require the following modifications if snapping mechanisms 66 are construed as handles:**

- relocating the handles from sides to front and rear
- modification of the Ferbrache handle to increase it's securing strength

-modification of the Ferbrache handle to prevent folding downward and blocking drawer, carousel or basket operation

-increasing the space between containers to allow room for the Ferbrache handles and corresponding redesign of the containers to recover the increased height lost.

-If the handles for lifting were placed on the forward and behind sides of axle instead of snapping mechanisms at both axle end sides, the containers would have the handles on the long front and rear of the containers instead of the shorter ends making extension of the telescopic handle impossible as it would hit the Ferbrache handles. Thus the telescopic handle would have to redesigned to clear the Ferbrache handles.

These changes require major modifications relative to the complexity of Tiramani's design, and clearly makes combining unobvious.

**9. Even if combined, the following applicant's claimed features are not met:**

- containers cannot nest within each other, nor similar containers within each other

-containers cannot be blow molded

-containers cannot be inverted for dumping

-the volume of fastened container assemblies are limited in volume due to the toolbox perimeter as explained in the Tiramani in view of Tolbert as explained 103a) arguments for claim 23, resulting in many more hitched containers for the same volume of Applicant's rigid entities.

So clearly the combination is not obvious and even when combined do not disclose the invention, nor meet the claimed features of the invention.

**10. Even if combined, the synergism is less than applicant's, since the combination of three inventions still does not disclose Applicant's invention**

The whole, that is the result achieved by applicants invention, is greater than the sum of the parts, as of the combination. Applicants invention produces the additional features of:

- containers cannot nest within each other, nor similar containers within each other

-containers cannot be blow molded

-containers cannot be inverted for dumping

-the volume of fastened container assemblies are limited in volume due to the toolbox perimeter as explained in the Tiramani /Tolbert 103a) arguments for claim 23, resulting in many more hitched containers for the same volume of Applicant's rigid entities

so clearly the combination is not obvious and even when combined do not disclose the invention, nor sums up to the whole of the invention in terms of results.

**11. New and unexpected results are obtained from the use of the Ferbrache handle:**

When the Ferbrache handle is used with Applicant's hitch for tilted hitching the particular distance of the gripping section to the container side results in the ability of containers being able to be tilted as the two hitched handles can elongate into a flat coplanar configuration when tilted from the inverted 'v' while in the free standing position and also remain stable free standing in the tilted position as shown in Fig 9, 10 and 11. Hence tilted hitching, which is clearly novel over Tolbert's hitching or combination of Tiramani and Tolbert since the extended handle hitched to a Ferbrache handle would not allow this

*unexpected result*

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coplanar /'v' action and hence is a new and unexpected result from the new use of the Ferbrache handle designed for lid locking and lifting.

As well, tilted for rolling containers also remaining hitched while vertically free standing is a new and unexpected result from the new use of the Ferbrache handle designed for lid locking and lifting.

As well, tilted for rolling containers also remaining hitched while tilted free standing is a new and unexpected result from the new use of the Ferbrache handle designed for lid locking and lifting.

As well the use of the Ferbrache handle, designed for lid locking and lifting, used as a means for securing attachable containers, unexpectedly "provides a means for easy lifting for handle grasping" as examiner has stated when replacing Tiramani's 'snapping mechanisms 66' (however Tiramani fails to do so) And since the snapping mechanisms 66 are not graspable for lifting even empty containers let alone heavy tool boxes nor do they have openings in the toggle portion, and since Tiramani has no graspable lifting edges but only single non centered extended handle for lifting the wheeled container or a single handle on the toolcase, the Ferbrache handles now provides two handed lifting capability, in turn allowing increased base perimeter of the wheeled container (as explained in 103 Tiramani / Tolbert combination arguments). As well reduced bending over for low attachable containers due to the height extension when handles up, and, not having awkward extendible handle that when collapsed still extends 12 inches above the wheeled container upper edge having a single lifting point that is not centrally located on top of wheeled container, without any side handles, resulting in the wheeled container pivoting inwards and dragging up front of legs while not allowing enough movement in the comfortable lifting zone to clear the floor or trunk of vehicle because initial lifting point starts at 26 inches above ground.

If lids and handles are used for spillage prevention, this is not intended or claimed in any way, to be novel or part of applicant's invention. The similar effect that the securing of a container on top has on the bottom container in terms of spill prevention is an unexpected result. Applicant clearly has shown that containers are not lids and that spill prevention is an unexpected result, from the novel means of forming a rigid entity.

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**CONCLUSION**

For all of the above reasons, applicant submit that the specification and claims are now in proper form, and that the claims all define patentably over the prior art. Therefore applicant submits that this application is now in condition for allowance and which action is respectfully solicited.

**CONDITIONAL REQUEST FOR CONSTRUCTIVE ASSISTANCE**

Applicant has amended the specification and claims of this application so that they are proper, definite, and define novel structure which is also unobvious. If, for any reason this application is not believed to be in full condition for allowance, applicant respectfully requests the constructive assistance and suggestions of the Examiner pursuant to M.P.E.P. 2173.02 and 707.07(j) in order that the undersigned can place this application in allowable condition as soon as possible and without the need for further proceedings.

Very respectfully,

  
Ferdinand Schermel

Applicant Pro Se

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Claims: I claim:

1. (currently amended) A modular wheeled container system that is tilted from the free standing position for rolling consisting of open top containers that can nest within each other comprising: *closed language*

5 a) a wheeled container having a means for rolling, a top interface, a means for securing across the said top interface

10 b) a first attachable container which rests on top of said wheeled container, having a bottom and top interface and a means for securing across its top interface

15 c) an optional second attachable container having a bottom interface which rests on top of first said attachable container, to be added if the combined height of the said wheeled container and said first attachable container do not reach the height necessary for ergonomically comfortable tilting and rolling.

20 d) a means for securing and lifting with two hands *wherein said means for securing of said wheeled container secures between or across the adjoining interfaces of said top interface of said wheeled container to said bottom interface of said first attachable container* *wherein a two container and a single rigid entity is formed from the secured said wheeled container and said first attachable container* *wherein whereby the said first attachable container becomes the vertical structural extension to allow ergonomically comfortable tilting and rolling of the said two container single rigid entity, and wherein whereby the a cart, frame, or vertically extending handle is no longer required, and wherein the tilting shifts the center of gravity of the load vertically above the axis of the said means for rolling and wherein the angle of tilt is greater than 10 degrees between the free standing position and tilted position, and whereby the vertical stability is increased without increasing either the effective lifting weight or adding horizontal protrusion to a wheeled container to widen the base to increase the vertical stability, and wherein and whereby the sum of the volumetric capacity of the said first attachable container and the said wheeled container is greater than 25 gallons and wherein the base perimeter of the wheeled container is greater than 55 inches and wherein the total volume of the said two container rigid entity is greater than 32 gallons, and wherein the said wheeled container can nest within the said first attachable container,*

25 e) and if said second attachable container is used needed to reach the height necessary for ergonomically comfortable tilting and rolling, wherein said means for securing of the first attachable container secures between or across the adjoining interfaces of said top interface of said first attachable container to said bottom interface of said second attachable container *wherein a three container single rigid entity is formed from the secured said wheeled container secured to said first attachable container, and said second attachable container secured to said first attachable container* *wherein said first attachable container and second attachable container become the vertical structural extension to allow ergonomically comfortable tilting and rolling of the said three container single rigid entity, and wherein a whereby the cart, frame, or vertically extending handle is no longer required, and wherein the tilting shifts the center of gravity of the load vertically above the axis of the said means for rolling and wherein the angle of tilt is greater than 10 degrees between the free standing position and tilted position, and whereby the vertical stability is increased without increasing the effective lifting weight or adding horizontal protrusion to*

*1 in not ss  
sure circular  
containers 3+10  
can nest w/in  
square conta  
1 and 2  
or versa  
(xc Fig. 1+3)*

*NAB  
55 inches  
mm.*

32

45 a wheeled container to widen the base to increase the vertical stability, and wherein and whereby the sum of the volumetric capacity of the said first attachable container and the said wheeled container is greater than 25 gallons, and wherein the base perimeter of the wheeled container is greater than 55 inches and wherein the total volume of the said two container rigid entity is greater than 32 gallons, and wherein the said wheeled container can nest within the said first attachable container and said first attachable container can nest within the said second attachable container.

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2. (canceled)

3. (currently amended) The system of claim 1 further including a means for hitching first said two container single rigid entity or said three container single rigid entity to a second said two container single rigid entity or second said three container single rigid entity, for rolling in the tilted position wherein the said means for hitching fastens the first said two container single rigid entity or said three container single rigid entity to a second said two container single rigid entity or second said three container single rigid entity, and wherein the tilting shifts the center of gravity of the load vertically above the axis of the said means for rolling and wherein the angle of tilt between the vertical axis of the said two container single rigid entity or said three container single rigid entity to a second said two container single rigid entity or second said three container single rigid entity is greater than 10 degrees between its free standing position and tilted position and whereby the said two container single rigid entity or said three container single rigid entity fastened to a second said two container single rigid entity or second said three container second said single rigid entity is vertically stabilized in the tilted position and whereby castored wheels are no longer required.

4. (currently amended) The system of claim 3 wherein first and / or second said two container single rigid entity or said three container single rigid entity and / or second said two container single rigid entity or said three container single rigid entity is a refuse container.

5. (Previously amended) The system of claim 4 wherein said first attachable container is a recycle container on top of said refuse container.

6. (Previously amended) The system of claim 5 wherein said means for securing said wheeled container to first said attachable container or said first attachable container to said second attachable container is a handle, telescope fit, groove, over center clasp, or latch.

7. (currently amended) The system of claim 6 wherein said handle is the handle described in US 4,691,840 FERBRACHE patent, whereby adjoining containers are secured and tilted for rolling containers are hitched, but excluding securing lids onto containers, and including

*Ferbrach*

↓

said wheeled container having a receptacle body having vertical side walls and a central cavity extending downwardly there between;  
said attachable container having an outward peripheral rim receivable within a top end of said receptacle body, said attached container having peripherally located detent means;  
at least one attachable container locking handle having an inward end pivotally coupled to said receptacle body side walls and an outward free end; said handle having camming handle locking projection means and attachable container locking projection means for respective engagement against said receptacle body side walls and said attachable container detent means as said handle free end is pivoted toward said receptacle body wherein a portion of said handle free end extends above peripheral rim of said attachable container.  
wherein said handle locking projection means comprising at least one eccentric camming lobe disposed to rotate over said receptacle body side walls into a fixed, locked position, and wherein said receptacle body is formed of elastomeric plastics material deformable inwardly under influence of said camming lobe,  
and wherein said camming lobe residing in a vertically extending recess formed within said receptacle body,  
and wherein said attachable container locking projection means comprising a tooth extension projecting parallel and spaced apart from said camming lobe,  
and wherein said attachable container detent means being located in said attachable container peripheral rim,  
and wherein said attachable container detent means comprising a continuous groove in said attachable container peripheral rim adapted to receive said handle tooth extension therein,  
and wherein said attachable container locking handle having a generally U-shaped profile, comprising parallel arm segments extending from a central bight portion, with remote ends of said arm segments being pivotally coupled to said receptacle body,  
and wherein said handle locking projection means comprising at least one eccentric camming lobe disposed at a distal end of said handle and adapted to rotate over said receptacle body into a fixed locked position,  
and wherein said receptacle body being composed of resilient elastomeric plastics material deformable inwardly under influence of said camming lobe whereby said receptacle body exerting a residual outwardly directed frictional lock against said camming lobe in said fixed locked position, and including

A recycle container which rests on the RUBBERMAID refuse container comprising:

*Ferbrach's  
Claim language  
added*

a refuse container having a receptacle body having vertical side walls and a central cavity extending downwardly there between;  
a recycle container having a downturned peripheral rim receivable over a top end of said receptacle body, said recycle container having peripherally located detent means;  
at least one recycle container locking handle having an inward end pivotally coupled to said receptacle body side walls and an outward free end; said handle having camming handle locking projection means and recycle container locking projection means for

respective engagement against said receptacle body side walls and said recycle container  
detent means as said handle free end is pivoted toward said receptacle body,  
and wherein a portion of said handle free end extends above peripheral rim of said recycle  
container,  
and wherein said handle locking projection means comprising at least one eccentric  
camming lobe disposed to rotate over said receptacle body side walls into a fixed, locked  
position,  
and wherein said receptacle body is formed of elastomeric plastics material deformable  
inwardly under influence of said camming lobe,  
and wherein said camming lobe residing in a vertically extending recess formed within said  
receptacle body,  
and wherein said recycle container locking projection means comprising a tooth extension  
projecting parallel and spaced apart from said camming lobe,  
and wherein said recycle container detent means being located in said recycle container  
peripheral rim,  
and wherein said recycle container detent means comprising a continuous groove in said  
recycle container peripheral rim adapted to receive said handle tooth extension therein,  
and wherein said recycle container locking handle having a generally U-shaped profile,  
comprising parallel arm segments extending from a central bight portion, with remote ends  
of said arm segments being pivotally coupled to said receptacle body,  
and wherein said handle locking projection means comprising at least one eccentric  
camming lobe disposed at a distal end of said handle and adapted to rotate over said  
receptacle body into a fixed locked position,  
and wherein said receptacle body being composed of resilient elastomeric plastics material  
deformable inwardly under influence of said camming lobe whereby said receptacle body  
exerting a residual outwardly directed frictional lock against said camming lobe in said  
fixed locked position.

8. (canceled)

9. (Previously amended) The system of Claim 3 wherein the said means for hitching  
remains fastened when moved from the tilted position to the free standing position.

10. (Previously amended) The system of claim 3 wherein said rigid entity is a luggage  
device or general purpose cart.

11. (currently amended) A method for increasing the effective volume of a wheeled  
container system that is tilted from the free standing position for rolling without increasing  
the effective lifting weight comprising:

- a) a wheeled container having a means for rolling
- b) at least one attachable container, and

c) a means for securing adjoining said wheeled container to said attachable container whereby the combined containers form a single rigid entity and the effective container lifting weight can be reduced and contents independently directed upon detachment.

12. (currently amended) The said method of claim 11 further including a plurality at least one said attachable containers stacked and secured on top of said attachable container. *NAB*

13. (currently amended) The said method of claim 10 further including a means for connecting said wheeled container secured to said attached container to either a second said wheeled container secured to a second said attached container for rolling in the tilted position.

14. (Original) The said method of claim 13 wherein said wheeled container secured to said attached container is a refuse container. *NAB which one is refuse cont.*

15. (Original) The method of claim 14 wherein said attached container is a recycle container on top of said refuse container. *NAB which one 1st mentioned or 2nd*

16. (Original) The method of claim 15 wherein said means for securing said wheeled container to said attached container is a handle, telescope fit, groove, over center clasp, or latch. *NAB which one*

17. (currently amended) The method of claim 16 wherein said handle is the handle described in US 4,691,840 FERBRACHE patent, but excluding lids onto containers.

and including

*WAB which one*

from cl. 13

*ridiculous by indefinite*  
*Farbrache*  
*↓*  
*WAB which one*  
*said wheeled container having a receptacle body having vertical side walls and a central cavity extending downwardly there between;*  
*said attachable container having an outward peripheral rim receivable within a top end of said receptacle body, said attached container having peripherally located detent means;*  
*at least one attachable container locking handle having an inward end pivotally coupled to said receptacle body side walls and an outward free end; said handle having camming handle locking projection means and attachable container locking projection means for respective engagement against said receptacle body side walls and said attachable container detent means as said handle free end is pivoted toward said receptacle body wherein a portion of said handle free end extends above peripheral rim of said attachable container.*

*wherein said handle locking projection means comprising at least one eccentric camming lobe disposed to rotate over said receptacle body side walls into a fixed, locked position, and wherein said receptacle body is formed of elastomeric plastics material deformable inwardly under influence of said camming lobe,*  
*and wherein said camming lobe residing in a vertically extending recess formed within said receptacle body,*  
*and wherein said attachable container locking projection means comprising a tooth*

*2 wheeled cont.*  
*2 attachable cont*

extension projecting parallel and spaced apart from said camming lobe,  
and wherein said attachable container detent means being located in said attachable  
container peripheral rim,  
and wherein said attachable container detent means comprising a continuous groove in  
said attachable container peripheral rim adapted to receive said handle tooth extension  
therein,  
and wherein said attachable container locking handle having a generally U-shaped profile,  
comprising parallel arm segments extending from a central bight portion, with remote ends  
of said arm segments being pivotally coupled to said receptacle body,  
and wherein said handle locking projection means comprising at least one eccentric  
camming lobe disposed at a distal end of said handle and adapted to rotate over said  
receptacle body into a fixed locked position,  
and wherein said receptacle body being composed of resilient elastomeric plastics material  
deformable inwardly under influence of said camming lobe whereby said receptacle body  
exerting a residual outwardly directed frictional lock against said camming lobe in said  
fixed locked position, and including

A recycle container which rests on the RUBBERMAID refuse container comprising:  
a refuse container having a receptacle body having vertical side walls and a central cavity  
extending downwardly there between;  
a recycle container having a downturned peripheral rim receivable over a top end of said  
receptacle body, said recycle container having peripherally located detent means;  
at least one recycle container locking handle having an inward end pivotally coupled to  
said receptacle body side walls and an outward free end; said handle having camming  
handle locking projection means and recycle container locking projection means for  
respective engagement against said receptacle body side walls and said recycle container  
detent means as said handle free end is pivoted toward said receptacle body,  
and wherein a portion of said handle free end extends above peripheral rim of said recycle  
container,  
and wherein said handle locking projection means comprising at least one eccentric  
camming lobe disposed to rotate over said receptacle body side walls into a fixed, locked  
position,  
and wherein said receptacle body is formed of elastomeric plastics material deformable  
inwardly under influence of said camming lobe,  
and wherein said camming lobe residing in a vertically extending recess formed within said  
receptacle body,  
and wherein said recycle container locking projection means comprising a tooth extension  
projecting parallel and spaced apart from said camming lobe,  
and wherein said recycle container detent means being located in said recycle container  
peripheral rim,  
and wherein said recycle container detent means comprising a continuous groove in said  
recycle container peripheral rim adapted to receive said handle tooth extension therein,  
and wherein said recycle container locking handle having a generally U-shaped profile,  
comprising parallel arm segments extending from a central bight portion, with remote ends

recycle cont.  
RUBBERMAID refuse  
cont.

of said arm segments being pivotally coupled to said receptacle body,  
and wherein said handle locking projection means comprising at least one eccentric  
camming lobe disposed at a distal end of said handle and adapted to rotate over said  
receptacle body into a fixed locked position.  
and wherein said receptacle body being composed of resilient elastomeric plastics material  
deformable inwardly under influence of said camming lobe whereby said receptacle body  
exerting a residual outwardly directed frictional lock against said camming lobe in said  
fixed locked position.

18. (Original) The method of claim 13 wherein said means for connecting said wheeled containers secured to said attached container to other said wheeled container secured to said attached container is a hitch.

19. (Original) The method of Claim 18 wherein the said hitch stays intact when moved from the tilted position to the free standing position.

20. The method of claim 13 wherein said wheeled containers secured to said attached containers are luggage devices or general purpose carts.

21. (currently amended) A method for securing a container to a second container by means of the handle as described in US 4,691,840 FERBRACHE patent wherein:

- a) said second container rests on top of said container
- b) a hitch connects said second container pulled by said container
- but excluding securing lids onto containers,

and including

*↓* *↓* *NAB*  
said wheeled container having a receptacle body having vertical side walls and a central cavity extending downwardly there between;  
said attachable container having an outward peripheral rim receivable within a top end of  
said receptacle body, said attached container having peripherally located detent means;  
at least one attachable container locking handle having an inward end pivotally coupled to  
said receptacle body side walls and an outward free end; said handle having camming  
handle locking projection means and attachable container locking projection means for  
respective engagement against said receptacle body side walls and said attachable  
container detent means as said handle free end is pivoted toward said receptacle body  
wherein a portion of said handle free end extends above peripheral rim of said attachable  
container.

*period*  
wherein said handle locking projection means comprising at least one eccentric camming  
lobe disposed to rotate over said receptacle body side walls into a fixed, locked position,  
and wherein said receptacle body is formed of elastomeric plastics material deformable  
inwardly under influence of said camming lobe,  
and wherein said camming lobe residing in a vertically extending recess formed within said  
receptacle body,

and wherein said attachable container locking projection means comprising a tooth extension projecting parallel and spaced apart from said camming lobe,  
and wherein said attachable container detent means being located in said attachable container peripheral rim,  
and wherein said attachable container detent means comprising a continuous groove in said attachable container peripheral rim adapted to receive said handle tooth extension therein,  
and wherein said attachable container locking handle having a generally U-shaped profile comprising parallel arm segments extending from a central bight portion, with remote ends of said arm segments being pivotally coupled to said receptacle body,  
and wherein said handle locking projection means comprising at least one eccentric camming lobe disposed at a distal end of said handle and adapted to rotate over said receptacle body into a fixed locked position,  
and wherein said receptacle body being composed of resilient elastomeric plastics material deformable inwardly under influence of said camming lobe whereby said receptacle body exerting a residual outwardly directed frictional lock against said camming lobe in said fixed locked position, and including

A recycle container which rests on the RUBBERMAID refuse container comprising:

a refuse container having a receptacle body having vertical side walls and a central cavity extending downwardly there between;  
a recycle container having a downturned peripheral rim receivable over a top end of said receptacle body, said recycle container having peripherally located detent means;  
at least one recycle container locking handle having an inward end pivotally coupled to said receptacle body side walls and an outward free end; said handle having camming handle locking projection means and recycle container locking projection means for respective engagement against said receptacle body side walls and said recycle container detent means as said handle free end is pivoted toward said receptacle body,  
and wherein a portion of said handle free end extends above peripheral rim of said recycle container,  
and wherein said handle locking projection means comprising at least one eccentric camming lobe disposed to rotate over said receptacle body side walls into a fixed, locked position,  
and wherein said receptacle body is formed of elastomeric plastics material deformable inwardly under influence of said camming lobe,  
and wherein said camming lobe residing in a vertically extending recess formed within said receptacle body,  
and wherein said recycle container locking projection means comprising a tooth extension projecting parallel and spaced apart from said camming lobe,  
and wherein said recycle container detent means being located in said recycle container peripheral rim,  
and wherein said recycle container detent means comprising a continuous groove in said recycle container peripheral rim adapted to receive said handle tooth extension therein,  
and wherein said recycle container locking handle having a generally U-shaped profile,

comprising parallel arm segments extending from a central bight portion, with remote ends of said arm segments being pivotally coupled to said receptacle body,  
and wherein said handle locking projection means comprising at least one eccentric camming lobe disposed at a distal end of said handle and adapted to rotate over said receptacle body into a fixed locked position,  
and wherein said receptacle body being composed of resilient elastomeric plastics material deformable inwardly under influence of said camming lobe whereby said receptacle body exerting a residual outwardly directed frictional lock against said camming lobe in said fixed locked position.

*2nd period*  
22. (currently amended) The system of claim 4 wherein there is a plurality of hitched said single rigid entity two container single rigid entity or said three container single rigid entity or plurality of said refuse container or combination thereof.

23. (currently amended) The system of claim 5 wherein said refuse container is the 32 gallon RUBBERMAID refuse container having two Ferbrache handles as shown in Fig 9, 10, and 11 and defined in Definition of Terms.

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Applicant proposes that the following amendment to the Operation under **DEFINITION OF TERMS**

**RUBBERMAID refuse container-** 'RUBBERMAID' refuse container refers to the 32 wheeled refuse container that is tilted for rolling having the Ferbrache handles for lifting and lid fastening as show in Fig 8, 9, 10 and identification/ description in the specification and claims will be defined by the term 'RUBBERMAID refuse container' and since many of the claims refer to this specific container and handles, it is imperative to use this term. The term 'RUBBERMAID refuse container' in this patent in the disclosure and claims will include all of the following limitations and descriptions as described in the US 4,691,840 FERBRACHE patent:

A refuse container comprising:

a receptacle body having vertical side walls and a central cavity extending downwardly there between;

a lid having a downturned peripheral rim receivable over a top end of said receptacle body, said lid having peripherally located detent means;

at least one lid locking handle having an inward end pivotally coupled to said receptacle body side walls and an outward free end; said handle having camming handle locking projection means and lid locking projection means for respective engagement against said receptacle body side walls and said lid detent means as said handle free end is pivoted toward said receptacle body.

2. A refuse container according to claim 1, wherein a portion of said handle free end extends above a top surface of said lid.
3. A refuse container according to claim 1, wherein said handle locking projection means comprising at least one eccentric camming lobe disposed to rotate over said receptacle body side walls into a fixed, locked position.
4. A refuse container according to claim 3, wherein said receptacle body is formed of elastomeric plastics material deformable inwardly under influence of said camming lobe.
5. A refuse container according to claim 4, wherein said camming lobe residing in a vertically extending recess formed within said receptacle body.
6. A refuse container according to claim 5, wherein said lid locking projection means comprising a tooth extension projecting parallel and spaced apart from said camming lobe.
7. A refuse container according to claim 6, wherein said lid detent means being located in said lid peripheral rim.

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page 6  
VV

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8. A refuse container according to claim 7, wherein said lid detent means comprising a continuous groove in said lid peripheral rim adapted to receive said handle tooth extension therein.
9. A refuse container according to claim 8, wherein said lid and said receptacle body being of circular horizontal cross section whereby said lid is situatable upon said receptacle body throughout a 360 degree range of orientation.
10. A refuse container according to claim 1, wherein said lid locking handle having a generally U-shaped profile, comprising parallel arm segments extending from a central bight portion, with remote ends of said arm segments being pivotally coupled to said receptacle body.
11. A refuse container according to claim 10, wherein said handle locking projection means comprising at least one eccentric camming lobe disposed at a distal end of said handle and adapted to rotate over said receptacle body into a fixed locked position.
12. A refuse container according to claim 11, wherein said receptacle body being composed of resilient elastomeric plastics material deformable inwardly under influence of said camming lobe whereby said receptacle body exerting a residual outwardly directed frictional lock against said camming lobe in said fixed locked position.
13. A refuse container comprising:  
a receptacle body having vertical side walls and a central cavity extending downwardly therebetween;  
a lid having a downturned peripheral lid receivable over said top end of said receptacle body and said lid having peripherally located detent means;  
at least one generally U-shaped handle comprising two parallel arm segments extending from a central bight portion, with distal ends of said handle arm segments pivotally coupled to said receptacle body, whereby said bight portion swinging toward said receptacle body into a locking position and away from said receptacle body into a release position; at least one said handle arm segment having spaced apart handle locking means and lid locking projection means to respectively engage said receptacle side walls and said lid detent means as said handle bight portion is pivoted toward said receptacle body.
14. A refuse container according to claim 13, wherein said handle bight portion extending above the top surface of said lid in said locking position.
15. A refuse container according to claim 14, wherein said lid and said receptacle body being of substantially circular in horizontal cross section.
16. A refuse container according to claim 15, wherein said lid detent means comprising a

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continuous groove formed in said lid peripheral rim.

17. A refuse container according to claim 16, wherein said lid locking projection means comprising a tooth projection profiled for receipt into said lid rim groove.

18. A refuse container according to claim 13, wherein said handle locking means comprising an eccentric camming lobe disposed to rotate over said receptacle as said handle bight portion is rotated into said locking position.

19. A refuse container according to claim 18, wherein said receptacle body being composed of resilient plastic materials deformable inwardly as said camming lobe rotates thereover, whereby said receptacle body exerting outwardly directed resilient forces against said camming lobe in said locked position.

20. A refuse container, according to claim 19, wherein said camming lobe residing in a vertical track recess formed in said receptacle body.